

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANNY HARRISON, et al.,

Plaintiffs,

v.

GENERAL MOTORS, LLC,

Defendant.

Case No. 21-12927
Honorable Laurie J. Michelson

ORDER REGARDING MOTION TO DISMISS [50]

Plaintiffs have filed a second amended class action complaint, which added new plaintiffs to this action. (ECF No. 48.) GM has again responded with a motion to dismiss, which focuses on the claims brought by the new plaintiffs. (ECF No. 50.)

Pursuant to a stipulation between the parties, they “agree not to re-litigate through another Rule 8, 9, or 12 Motion any issue previously decided by the Court in the Opinion and Order Granting in Part GM’s Motion to Dismiss or the Opinion and Order Granting in Part GM’s Motion to Compel Arbitration (ECF No. 44 & 45).” (ECF No. 50, PageID.6309.) These referenced opinions give the parties nearly 90 pages of guidance.

Thus, the Court is hereby putting the parties on notice that should this motion or the upcoming response to the motion raise arguments that this Court has clearly rejected in its previous opinions, it will summarily rule on them and consider the imposition of sanctions. If this impacts the arguments that have been raised in the pending motion or the failure to concur in some of those arguments, GM may

withdraw this motion and file an amended motion within two weeks. If the parties are raising arguments solely for preservation purposes, they should clearly identify those arguments as such.

Additionally, pursuant to Federal Rule of Civil Procedure 26(d), the parties may begin discovery while the newly filed motion to dismiss is pending. Upon resolution of that motion, the Court will issue a formal scheduling order, but will take into account that the parties have been given the opportunity to commence discovery now.

Further, the response brief and any reply brief shall be filed in compliance with E.D. Mich. LR 7.1 and this Court's case management requirements.

If, upon review of all the briefing, the Court finds that oral argument would aid in resolving the disputed issues, a notice will be filed on the docket setting a hearing. Otherwise, the Court will decide the motion on the briefs. *See* Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f).

Counsel are strongly advised to review the Case Management and Scheduling Order docketed previously in this case before docketing any motion or brief.

SO ORDERED.

Dated: April 12, 2023

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE